

**BARBERING & COSMETOLOGY EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
FEBRUARY 5, 2001**

**PRESENT:** Barbara Flaherty, Leon Lauer, Marvile Martin, Bruce Bennett (by teleconference), Laura Jenkins, Lorraine Norem, Denise Svetly, and Danny Trotter

**EXCUSED:** Karen Krause

**STAFF PRESENT:** Alfred Hall, Jr., Becky Fry, John Schweitzer, Legal Counsel; Barbara Showers, Darwin Tichenor, and Members of Division of Enforcement were present for portions of the meeting

**GUESTS:** Harry Sharata, MD, PhD  
Ron Rodgers, CTS, and numerous guests

**CALL TO ORDER**

The meeting was called to order at 9:41 a.m. by Barb Flaherty, Chair, upon confirmation that the public notice was timely given. A quorum of 8 members was present.

**AGENDA**

Barbara Flaherty indicated that agenda items 8 and 10 would be moved to accommodate guest speaker schedules.

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to approve the agenda as amended. Motion carried unanimously.

**MINUTES (12/4/00)**

Barbara Flaherty reported a correction to the back of page one of the minutes under Legislative Update, paragraph 3. The beginning of the sentence "Barb Flaherty will represent the Board when the" should be removed.

**MOTION:** Danny Trotter moved, seconded by Marvile Martin, to approve the minutes as corrected. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary's Report**

Secretary Cummings addressed her upcoming retirement and thanked the board members for their hard work and support during the 14 years she worked with them.

Secretary Cummings was presented a plaque by United Barbers and Cosmetology #62 (UBCA) in appreciation of service for barbers and cosmetology.

## **Bureau Director's Report**

- Board Roster

The Board noted the roster.

- 2001 Meeting Dates

The Board noted the 2001 meeting dates.

- Regulatory Digest Draft

The Board received a copy of the final draft of the Regulatory Digest. Minor corrections were noted.

## **LEGISLATIVE UPDATE**

### **Proposed Legislation-Relating to Education Requirements for Barber, Cosmetologist, Barber Manager, Cosmetologist Manager, Aesthetician, Electrologist and Manicurist Licenses**

### **Proposed Legislation-Relating to Eligibility Requirements for Licenses Granted by the Barbering and Cosmetology Examining Board and Disciplinary Action Taken By the Board**

Mr. Hall indicated that legislative proposals for the previous legislative session would be redrafted for introduction in the current session.

## **ADMINISTRATIVE RULES**

### **Proposed Rules**

- Revision of Intermediate and Low Level Disinfection Rules
- Change of Rule Regarding Booth or Chair Rental at the Same Location
- Waiver for Owners Having Difficulties Replacing Managers
- Issuing and Processing Citations for Disciplinary Forfeitures

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to create a scope statement relating to issuing and processing citations for disciplinary forfeitures against professional and occupational licenses issued by the Board. Motion carried unanimously.

By consensus, the Board accepted the scope statement to clarify the Board's expectations regarding disinfection for barbering and cosmetology, aesthetics, electrology and manicuring

implements and to clarify what a practitioner renting a booth under a lease agreement needs to do in order to change a booth or a chair.

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to authorize a scope statement to discuss a rule to prohibit the use of methyl methacrylate monomer (MMA). Motion carried unanimously.

Discussion on proposed rules was deferred to the next meeting.

## **BOARD MEMBER ACTIVITY**

### **Election of Officers**

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to nominate and re-elect Barbara Flaherty as chair.

**MOTION:** Marvile Martin moved, seconded by Bruce Bennett, to nominate Marvile Martin as chair.

**MOTION:** Lorraine Norem moved, seconded by Leon Lauer, to close nominations for chair.

John Schweitzer facilitated the vote for chair. The result of a voice vote was: 4 votes for Barbara Flaherty and 3 votes for Marvile Martin. Barbara Flaherty was voted chair by a majority.

**MOTION:** Danny Trotter moved, seconded by Lorraine Norem, to unanimously nominate and re-elect Marvile Martin as vice chair. Motion carried unanimously.

**MOTION:** Denise Svetly moved, seconded by Leon Lauer, to unanimously nominate and re-elect Lorraine Norem as secretary. Motion carried unanimously.

### **Strategic Plan Follow-up-Planning for the Future Update**

No discussion held.

### **Recommendation of the Aestheticians, Electrologists, and Manicurists Scope of Practice Advisory Committee**

No discussion held.

## **PRACTICE ISSUES**

### **Continuing Education**

No discussion held.

### **Microdermabrasion Transdermal Hair Removal**

The Board received a copy of the “Owners Manual and Troubleshooting Guide” for Microglide® by Ideal Logic Industries from the Medical Alliance and a copy of “Microdermabrasion Protocol, Recommended for Aesthetic Solutions,” Dermaglow II Machine® by Lynn A Palermo.

Harry Sharata, M.D., Ph.D., Chief of Dermatology at the Veteran’s Hospital in Madison, Wisconsin, held a slide presentation and question and answer session reviewing the procedure, safety and efficacy of microdermabrasion. Dr. Sharata noted he required five years of additional education as essential to his knowledge of the procedure for microdermabrasion.

Gail Lehrmen, instructor, Mequon/Thiensville School of Esthetics has been practicing microdermabrasion for over five years. She has been working in collaboration with physicians and has given demonstrations to her students for familiarity. Ms. Lehrmen believes the practice of microdermabrasion is an advanced technique and does warrant establishing a minimum competency standard to include both education and experience.

The Board discussed who can perform microdermabrasion, possible types of complications that can occur, and what level of training should be required to perform microdermabrasion. The Board’s consensus was there is more discussion and research needed to identify the minimum competency standards for a barber or cosmetologist or an aesthetician to safely practice microdermabrasion. The Board requested Secretary Cummings form an advisory committee consisting of: a plastic surgeon, dermatologist, public board member, barbering and cosmetologist and an aesthetician instructor. The purpose of the committee would be to recommend the minimum competency standards needed for the practice of microdermabrasion.

Secretary Cummings agreed to establish an advisory committee to recommend standards for the practice of microdermabrasion.

### **Sanitary Use of Paraffin Wax**

The Board discussed concerns with sanitation of paraffin wax treatment and protocol. The Board determined the current use of paraffin wax is safe for the public, as long as the practitioner follows the manufacture’s instructions and the guidelines of Wis. Adm. Code chapter BC 4 Sanitation and Safety.

## **APPRENTICESHIP PROGRAM**

No discussion held.

## **EXAMINATION ISSUES**

The Board received a copy of Darwin Tichenor’s February 5, 2001, memo to barbering and cosmetology schools relating to examinations and salon fundamentals texts.

Ron Rodgers presented a follow-up to the last meeting relating to the item review process. Mr. Rodgers indicated that there is a concern that all of the items in the item pool are supported by Wisconsin Statutes or the Milday text; however, one-third of the items are not supported in Pivot Point text. He indicated that approximately 250 of the 650 questions in the item pool require review.

Bruce Bennett indicated that because of the number of conflicts between the exam and the information from Pivot Point, instructors have converted back to the Milady text.

Ron Rodgers stated that in some circumstances, the Pivot Point text and the Milday text give exact opposite answers to the same question.

A committee to review questions in the item pool will meet April 22 and 23, 2001. Anyone interested in taking part in the review should contact Darwin Tichenor.

Darwin Tichenor gave an overview of the current practical exam scoring procedures and reviewed the recommendations of the examination review committee for the practical examination.

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to pursue the recommendations of the examination review committee to change the examiner scoring process for the practical examination to a checklist model with specific behaviors or competencies to be addressed and scored according to detailed criteria developed from the competencies stated in the survey. Motion carried unanimously.

**MOTION:** Denise Svetly moved, seconded by Marvile Martin, to change the evaluation process and scoring for the haircut service of the practical examination so that the same basic scoring criteria are used regardless of which of the three types of haircut is chosen. Motion carried unanimously.

**MOTION:** Danny Trotter moved, seconded by Denise Svetly, to allow the option that mannequins be used for the haircut section of the practical examination (in addition to the blow-drying and curling services as currently allowed). Motion carried with 6 yes votes and 1 no vote.

The Board discussed the recommendation of the examination review committee to combine all parts of the practical examination for one score and weight the five examination parts. It was recommended that both the practical and written examinations should be scored separately and both must be passed.

**MOTION:** Danny Trotter moved, seconded by Leon Lauer, to maintain the current scoring procedures and table this issue. Motion carried unanimously.

## **DIVISION OF ENFORCEMENT**

No discussion held.

## **LEGAL COUNSEL REVIEW OF PHONE INQUIRIES**

John Schweitzer addressed a telephone inquiry relating to the supervision of apprentices, whether an apprentice can work without the supervision of a licensed manager, how long a manager can be away from the building, and if a manager leaves briefly, if another experienced

practitioner can substitute for the manager. The Board clarified that an apprentice can work only under responsible charge of a licensed practitioner on the premises.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

### **Urgent Tax-Law Updated**

A guest speaker presentation will be held at the next meeting relating to taxes in the industry.

## **NEW BUSINESS**

None.

## **RECESS TO CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Laura Jenkins-yes; Leon Lauer-yes; Marvile Martin-yes; Lorraine Norem-yes; Denise Svetly-yes; Danny Trotter-yes; and Barbara Flaherty-yes;

Open Session recessed at 1:00 p.m.

## **CLOSED SESSION**

The Board deliberated on case closings, and stipulations.

## **ADJOURN CLOSED SESSION**

**MOTION:** Danny Trotter moved, seconded by Leon Lauer, to reconvene in Open Session at 1:29 p.m. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

00 BAC 077	No violation
00 BAC 039	Insufficient evidence
00 BAC 043	Insufficient evidence

00 BAC 046	Insufficient evidence
00 BAC 074	Compliance gained
00 BAC 090	P2
00 BAC 078	Insufficient evidence
00 BAC 135	P1
00 BAC 079	Insufficient evidence

### **STIPULATIONS**

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to accept the Stipulations, Findings of Fact, Conclusions of Law, and Orders in the matters involving the following stipulations. Motion carried unanimously.

**H. Christine McGlynn (Poynette, WI.)**

**Regis Corporation d/b/a/Hair Care Harmony (Minneapolis, MN.)**

**Gaulien L. Smith d/b/a/Gee's Clippers (Milwaukee, WI.)**

**Danielle Van Ngo d/b/a Wonder Nails and Tri T. Ngo (Beaver Dam, WI)**

### **NEXT MEETING AGENDA ITEMS**

Continuing Education  
Proposed Administrative Rules  
Scoring of Exams  
Revised Definitions from the American Electrologist Association Relating to Definition of Disinfection

A Rules Committee consisting of Denise Svetly, Bruce Bennett, Lorraine Norem and Barbara Flaherty will review and clarify the proposed rules. The committee will meet March 12, 2001, at 9:00 a.m.

### **ADJOURNMENT**

**MOTION:** Danny Trotter moved, seconded by Lorraine Norem, to adjourn the meeting at 1:41 p.m. Motion carried unanimously.